



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

May 26, 2005

SUBJECT: **2005-0327 – McAfee** [Applicant] **RNM 535 Oakmead LP**
[Owner]: Application for a 3.5 acre site located at **535
Oakmead Parkway** (near Lakeside Drive) in an M-S
(Industrial and Service) Zoning District. (APN: 216-44-106)
AM

Motion Use Permit for a laser communication system consisting of 2
 antennas mounted 50" and 36" above the roof line of an
 existing building.

REPORT IN BRIEF

Existing Site R&D Building
Conditions

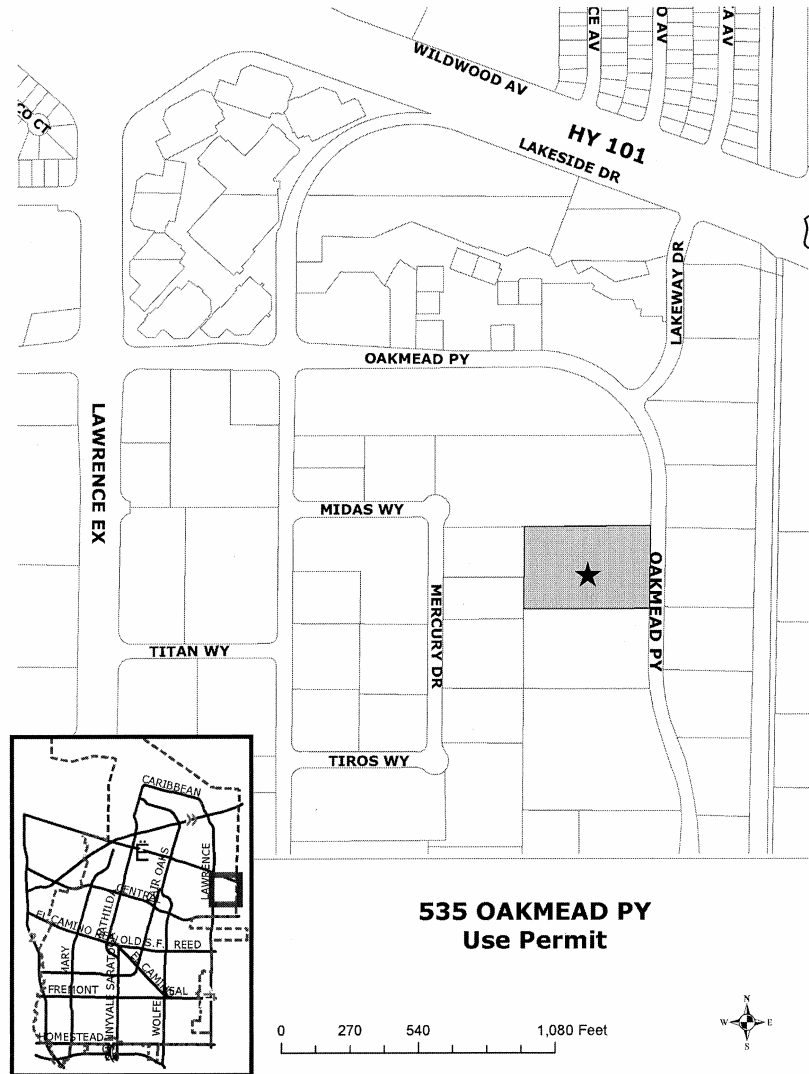
Surrounding Land Uses

North	R&D Buildings
South	R&D Buildings
East	R&D Buildings
West	R&D Buildings

Issues Visual impacts

Environmental A Class 1 Categorical Exemption relieves this project
Status from California Environmental Quality Act provisions
 and City Guidelines.

Staff Approval
Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial	Same	Industrial
Zoning District	M-S	Same	M-S
Lot Size (s.f.)	156,380	Same	22,500 min.
Gross Floor Area (s.f.)	57,711	Same	54,733 max.
Lot Coverage (%)	37	Same	45 max.
Floor Area Ratio (FAR)	37%	Same	35% max.
No. of Buildings On-Site	1	Same	---
Building Height (ft.)	Approx. 30'	W/antenna 34'-2"	75' max.
No. of Stories	1	1	8 max.
Setbacks for Antennas (First/Second Facing Property)			
Front	N/A	109'	25' min.
Left Side	N/A	Approx. 130'	20' min.
Right Side	N/A	Approx. 185'	0' min.
Rear	N/A	Approx. 400'	0' min.

ANALYSIS**Description of Proposed Project**

The proposed project includes permitting two existing antennas which were installed without permits approximately one year ago. The antennas employ laser technology, and operate as a pair of transmitters/receivers that transmit data to the McAfee building in Santa Clara. The two antennas are placed approximately 50" and 36" and above the roof screen. These types of antennas require a direct line-of-site from the subject building to the Santa Clara building. Any obstruction will reduce or eliminate the signal. As a result, the applicant is requesting that the height of the antennas not be changed as part of this application.

A Use Permit is required for any roof mounted antenna which is readily visible and which extends above the structure ridgeline.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2003-0663	New 200 sf generator at rear of industrial building. (<5% increase in lot coverage)	Staff Reviewed/Approved	08/26/03

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes minor additions.

Use Permit

Site Layout: The single-story building is located approximately 109' from Oakmead Parkway. There are two rows of parking in front of the building as well as landscaping along the street. The building has an architectural screen 7' above the roof to hide equipment. The building is approximately 220' wide along Oakmead Parkway. The antennas are mounted to the roof screen support structures, which are approximately 5' behind the roofline.

Description of Antennas: The antennas are placed 36" and 50" above the 7'-0" roof screen located at the front of the building. Each antenna is a small piece of equipment, approximately 24" in size. One is round-shaped and the other diamond-shaped (see Attachment C). Each antenna has 2 cables extending from the antenna to the equipment which is located inside the building. These antennas transmit a laser signal which is directed to the McAfee building in Santa Clara. The antennas require a direct, unimpeded view of the other antennas in Santa Clara.

Equipment: The equipment for the antennas is located inside the building. There is no other equipment visible from the surrounding area except the antennas.

Parking/Circulation: All equipment and antennas are located within the building footprint, and no parking spaces will be affected by the proposal.

Compliance with Development Standards and Expected Impact on the Surroundings: The proposed antennas are subject to the City

Telecommunications Ordinance, which provides guidance in the review of all types of telecommunications projects. The following are sections of the Sunnyvale Municipal Code 19.54 that apply to the proposal:

19.54.040(a)- *Based on aesthetic impact, the order of preference for facility type is: façade mounted, roof mounted, ground mounted and freestanding tower.*

19.54.040(b)- *All facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, and camouflage, to be compatible with existing architectural elements and building materials, and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.*

19.54.040(k)- *Roof mounted antennas shall be constructed at the minimum height possible to serve the operator's service area. Roof mounted antennas shall be designed to minimize their visibility.*

This project has been designed to minimize visual impact and utilize existing infrastructure for antenna location. The proposed project meets the intent of the Telecommunications Ordinance. The only impact to surrounding areas would be the visual effect of the additional antennas, which are constructed at the minimum height possible.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

One telephone call was received about the project requesting information about the laser technology.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 26 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

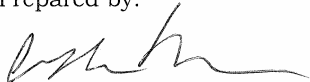
Alternatives

1. Approve the Use Permit with attached conditions
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

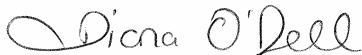
Alternative 1.

Prepared by:



Andrew Miner
Project Planner

Reviewed by:



Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant

Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The Wireless Telecommunications Policy promotes retention of local zoning authority when reviewing telecommunications facilities. The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:
 - The project meets all FCC RF emissions standards.
 - The project is located within an existing industrial area, and the antennas are mounted at the minimum height necessary for operation.
 - The antennas are not readily visible from any major arterial streets.
 - The project is not visible from the Downtown Specific Plan area of other areas identified in the Telecommunications code as being sensitive.
 - The ancillary equipment will be located inside the building parapet and will not be visible from surrounding areas.

Land Use and Transportation Sub-Element

N1.3. Promote an attractive and functional commercial environment.

N1.5 Establish and monitor standards for community appearance and property maintenance.

The project proposal uses existing infrastructure to add additional telecommunications service in the city. The location of the building and the design of the proposed antennas mitigate visual impacts in order to maintain community appearance. The addition of this antenna facility provides for managed development of wireless telecommunications infrastructure, which is a goal of the Telecommunications Ordinance.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District as the proposed telecommunication facilities are located on an existing building and will not create a significant visual impact to surrounding properties. The proposed project meets the visual standards established by the City for telecommunication facilities as it is designed to create the least possible aesthetic impact while using existing infrastructure.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. Project-Specific Conditions

- a. Obtain Building Permits within two months of this approval.
- b. Any major modification or expansion of the approved use shall be approved at a separate public hearing by the Director of Community Development. Minor modifications shall be approved by the Director of Community Development.

2. Standard Requirements for Telecommunications Facilities

- a. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every five years from the date of initial approval.
- b. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including, but not limited to, the Federal Communications Commission and the Federal Aviation Administration.
- c. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF or other emissions.
- d. The owner or operator of any facility shall obtain and maintain current at all times a business license issued by the city.
- e. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
 1. Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification (if appropriate), and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.

2. Name, address and telephone number of a local contact person for emergencies.
 3. Type of service provided.
- f. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
 - g. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
 - h. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
 - i. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
 - j. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.

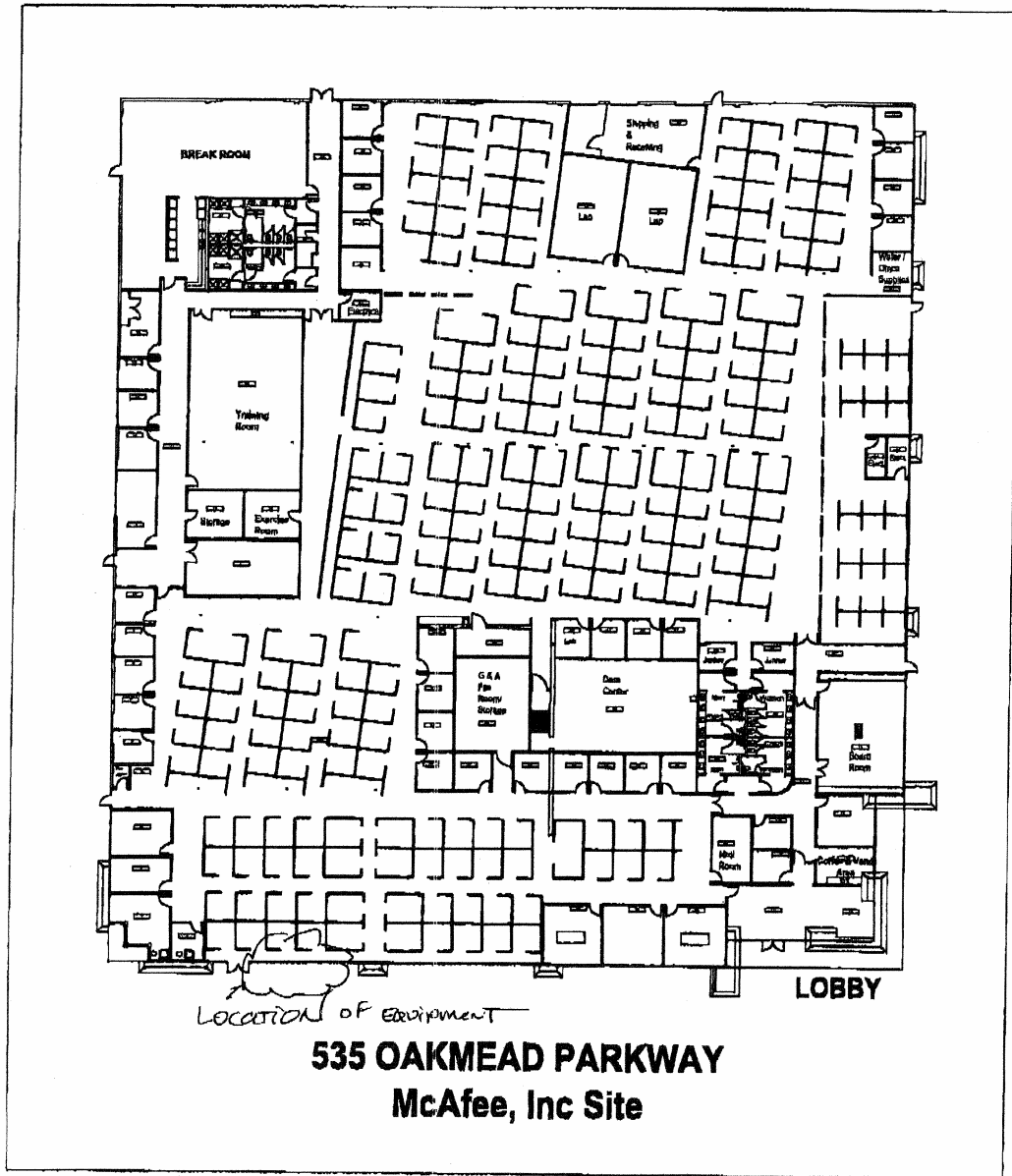
- k. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.
- l. No wireless telecommunication facility shall be sited or operated in such a manner that is poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of faculties shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

ATTACHMENT ^C

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T-550 P.02/03 F-833

MAY-06-06 12:44 FROM-NETWORK ASSOCIATES

+408-346-5170





TO: Andrew Miner FROM: Mike Buller

COMPANY NAME:	<u>City of Sunnyvale Planning Dept</u>
FAX NUMBER	<u>408 528 5740 737-4914</u>
DATE	<u>5-6-05</u>
# OF PAGES IN FAX	<u>2</u>
CC:	

- ◇ URGENT
- ◇ RESPONSE REQUESTED
- # FOR YOUR INFORMATION

MESSAGE: Andrew, Attached you will find copy of Bid Layout. in 8 1/2 x 11" format as you requested. The scope of work is to get a permit for this equipment that has been installed by McAfee about 1 year ago without a permit. It is a pair of transmitter/receivers that send J-F to the Santa Clara site. These items are at a fixed mount location and cannot be relocate, lowered or raised. The weight total is approx 70 lbs each unit and are mounted to the roof screen rigid structure.

Thank you.

Mike Buller

408 690-2626.

BCI Appreciates your Business!

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